31st August 1961]

DEPUTY SPEAKER: The question is—

"That the Madras Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as amended, be passed."

The motion was put and carried and the Bill, as amended, was passed.

(3) THE MADRAS PANCHAYATS (EXTENSION TO TRANSFERRED TERRITORY) AND PANCHAYAT UNION COUNCILS (SPECIAL PROVISIONS FOR FIRST CONSTITUTION) AMENDMENT BILL, 1961 (L.A. BILL NO. 32 OF 1961).

THE HON. SRI C. SUBRAMANIAM: Mr. Deputy Speaker, Sir, I beg to move— 12-00 noon.

'That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961), be taken into consideration.'

Hon. Members are aware that the Madras Panchayats Act, 1958, already provides for the application of the Act to the territory transferred from the former Travancore-Cochin State to the Madras State, that is, the Kanyakumari district and the Shencottah taluk of the Tirunelveli district and for the repeal of the provisions of the Travancore-Cochin Panchayats Act, 1950, as in force in the said territory.

The areas in the said transferred territory have already been delimited as Development Blocks for the purposes of the National Extension Service Scheme of Community Development. It is found necessary and desirable to make certain special provisions for the functioning of the existing panchayat without radical changes and to bring into existence not later than the 2nd day of October 1961 Panchayat Union Councils without following the elaborate procedure laid down in the Madras Panchayats Act, 1958.

It is proposed to continue the existing levy of cess on land in the said territory (until the Government otherwise direct by notification) *in lieu of* levy of local cess provided for in the Act and to exclude from the operation till then in the said territory the provisions of the Madras Panchayats Act, 1958, regarding the payment of Land Revenue Assignment and Local Cess Surcharge Matching Grant. It is also proposed to continue the existing system of management of elementary schools in the said territory and to exclude from operation the provisions of the Madras Panchayats Act, 1958, regarding the payment of Local Education Grant and maintenance of Panchayat Union (Education) Fund. It is further proposed to classify all the existing panchayats in the said territory as "town panchayats" except for purposes of payment of Village House Tax Matching Grant under Section 132 of the Madras Panchayats Act, 1958.

It is also proposed to amend the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960, so as to remove certain practical difficulties noticed in the working of the Act by providing that the presidents of panchayats and the chairmen of Township Committees *for the time being* in the Panchayat Union shall be members of Panchayat Union Councils concerned and taking power to appoint in specified cases, all the members of the Panchayats and the Township Committees in the Panchayat Union as members of the Panchayat Union Council.

The Bill was placed before the Kanyakumari District Development Council and the Tirunelveli District Development Council and the Councils have given general approval to the proposals contained in the Bill.

Therefore, I request the House to accept my motion.

DEPUTY SPEAKER: Motion moved—

'That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961) be taken into consideration.'

Sri M. KALYANASUNDARAM: இது எல்லோரும் வரவேற்க வேண்டியதொரு மசோதா. ஆனால் இதிலே இருக்கக்கூடிய குறைபாடுகள்—இந்த மசோதாவினால் வருவது அல்ல—பொதுச் சட்டத்திலேயே இருக்கக்கூடிய பலவீனங்கள். பின்னாலாவது நிரந்தரமாக அகற்றப்படவேண்டும். குறிப்பாக பஞ்சாயத்து போர்டு தலைவர்கள் பஞ்சாயத்து யூனியன் கவுன்சில் மெம்பர்களாக இருப்பார்கள் என்று இந்த தடவை செய்திருக்கிறோம். பஞ்சாயத்து போர்டிலே அந்தத் தலைவர் மீது நம்பிக்கையில்லாத் தீர்மானம் நிறைவேற்றி அங்கிருந்து அகற்றிவிட்டால் அவர் இங்கே மெம்பராக இருக்க முடியாது. பஞ்சாயத்து போர்டு தலைவராக இருக்கக்கூடியவர் பஞ்சாயத்து யூனியன் தலைவராகவும் ஆக முடியும். பஞ்சாயத்து யூனியன் தலைவராக இருக்கக்கூடியவர் மீது—பஞ்சாயியத்து போர்டு மெம்பர்கள் நம்பிக்கையில்லாத் தீர்மானம் நிறைவேற்றிவிட்டால்கூட இங்கே பதவி போய்விடும். பஞ்சாயத்து யூனியன் கவுன்சில் மெம்பர்தான் நிறைவேற்ற வேண்டுமென்பதில்லை. இது ஒரு அனுமலி. சட்டத்திலேயே உள்ளது. நாங்கள் முன்பு சொன்னதுபோல பஞ்சாயத்து போர்டு தலைவர்கள், பஞ்சாயத்து யூனியன் கவுன்சில் தலைவர்கள் பொதுமக்களாலேயே நேரிடையாகத் தேர்ந்தெடுக்கப்படவேண்டுமென்று செய்துவிட்டால் அது மிகவும் சாலச் சிறந்ததாக இருக்கும். சட்டத்திலேயே இதுமாதிரியாக விளக்கம் கொடுத்திருக்கிற ஒரு பகுதியை எடுத்துவிடலாம். தேர்தல் இப்போது நடத்த முடியாது என்ற காரணத்தினால்தான் இடைக்கால ஏற்பாடாக பஞ்சாயத்து போர்டு தலைவர்கள் பஞ்சாயத்து கவுன்சில் மெம்பர்களாக இருப்பார்கள் என்று செய்தோம். இதையே பின்னால் நிரந்தரமாகவும் வைக்கக்கூடாது, பொதுவாக பின்னாலாவது இந்த நான்காவது பிரிவில் தெளிவுபடுத்தப்பட்டிருக்கிற பகுதியில் உள்ள அனுமலியை நீக்குவதற்குத் தக்க ஏற்பாடு செய்யவேண்டும், அதைப்பற்றி யோசிக்கவும் வேண்டுமென்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

* **Sri R. SRINIVASA IYER:** Sir, this is not only a Bill extending the Panchayat Act to the Transferred Territory but also amending the Panchayat Union Councils (Special Provisions for

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First Constitution) Act, 1960, in a very important way. After the passing of this Bill, it will be applicable not only to the Transferred Territory but also to other places in the State. The Government have taken powers to publish a notification that not only presidents but also vice-presidents and members of certain panchayats can become members of the panchayat union councils. I read through the Bill a number of times and I do not find any loop-hole and the powers taken by the Government in clause 6 of the Bill to extend new sections 3 and 4 of Madras Act No. 17 of 1960 are necessary and when once they are exercised, the panchayat union council comes into existence. The clause is well worded. But I would suggest that that provision should not be there permanently and I hope as provided for in the original Panchayat Act, the provision relating to the election of a representative of the panchayat in the panchayat union council from among the members of the panchayat will be brought into force as early as possible, after all the panchayat union councils have been constituted. With these words, I commend the Bill to the House.

SRI A. NESAMONY : Mr. Deputy Speaker, Sir, I welcome this Bill. The draft copy of the Bill was sent to the Development Council of the Kanyakumari district and it was discussed there and I find that all the recommendations of that Council have been embodied in this Bill. Sub-clauses (2) (*c*), (*d*) and (*e*) of clause 3 relate to the imposition of new taxes and the conduct of primary schools in that area. The constitution of the panchayats there varies from the constitution of the panchayats in other parts of the Madras State because the panchayats in the transferred territory were constituted under the Travancore-Cochin Act of 1950. Any specified area to be developed as a Panchayat will be constituted as a Panchayat. Here the population is taken to be the basis on which the Panchayat has to be constituted. If the population is to be taken into consideration for constituting Panchayats in the transferred territory, I am afraid, that the existing ward will have to be converted into Panchayat. It is so populous. It is only because of the difficulty experience by the authorities concerned in the constitution of new panchayats, that these temporary and transitory provisions have been recommended. Under the existing circumstances it is the only way to deal with the situation. So I welcome this Bill.

In the matter of levy of irrigation cess and the application of the Irrigation Fund, several provisions relating to these matters, have been held in abeyance. All the primary schools are under the management of our Government. How could the management be transferred from Government to Panchayat Union Councils. What should be the nature and extent of financial support that could be given to these Panchayat Union Councils to continue these centres, who ought to be the supervising agency when the Panchayat Unions take over elementary schools—that is a

problem that is confronting the Government. I believe that Government will find a solution so that these provisions may be introduced in the transferred territory in consonance with other areas of Madras.

The Government has to undertake a big building programme in the matter of elementary education. When compulsory free primary education was introduced all over the area, temporary sheds were put up to house those who were undergoing primary education. Most of the sheds have now come down and the responsibility of re-building them would devolve on the Panchayat Union Council. The Panchayat Union Council cannot have the wherewithal to carry on this extensive building programme. Government have now allotted a few lakhs of rupees for reconstructing some of these buildings. It has to be done only by a phased programme extending for a few years. If that programme has to be gone through, Government will have to find ways and means by which the Panchayat Unions would be helped to reconstruct the schools and reconstruct useful buildings.

There is yet another problem in the area. It is the problem of the leased schools of the London Missionary Society or Corporation. Government have now ordered that 108 school buildings that have been leased to Government would be handed over to the Corporation. A phased programme has been submitted to the Director of Public Instruction and I am sorry to say that no reply has yet been received from the Director of Public Instruction on this matter. It is up to the Government to nominate a Special Officer to look into each and every school and suggest improvements for re-building the school or for reconstruction a school closeby. The Corporation by itself would be prepared to help the Government in the matter of reconstruction of these schools or supply a plot of land free of cost because the Mission is as much interested in the education of small children in the area as Government itself. So, I submit that this phased programme may be taken up by Government and an officer appointed to negotiate with the Mission as to how best the schools will be reconstructed. That would serve as a help for the Mission to continue the schools in the area. This phased programme might be arranged in such a way that it might be completed by the beginning of next school-year so that the most urgently needed schools may be handed over by Government to the Management. With these words, I commend the Bill for the acceptance of the House.

Finally I want to make an observation with regard to the notification that has been issued by Government. In sub-clauses (*c*) and (*e*) of clause 3, that is being referred to. The Panchayat Act is being amended by the present Bill that is being introduced in this House. The Sections that are now held in abeyance might be allowed to come into force by a notification of Government. Whether it would be proper for Government to bring into force

the Section now held in abeyance, by a nootification, is a matter of concern. I submit that the power of legislation that is vested in the Legislature seems to be arrogated by Government by issue of notification. An amendment of the Act should be done only by the Legislature and not by notification of Government.

THF HON. SRI C. SUBRAMANIAM : பொதுவாக இந்த மசோதாவிற்கு வரவேற்பு இருக்கிறது. கன்யாகுமாரி பகுதியில் இந்த பஞ்சாயத்து ஆக்டையும், பஞ்சாயத்து யூனியன்ஸ்ம் ஏற்படுத்த அவசியம் இருப்பதால் இது வரவேற்கப்பட்டிருக்கிறது. கனம் அங்கத்தினர் நேசமணி அவர்கள் கல்வித் துறையைப்பற்றி பல விஷயங்களைச் சொன்னார்கள். அது இந்த மசோதாவிற்குப் புறம்பானது, ஆகவே புறம்பானவைகளுக்கு பதில் சொல்லி சரி செய்ய நான் விரும்பவில்லை. ஒரு சட்ட நுணுக்கத்தை இங்கு கிளப்பினார்கள். நோட்டிபிக்கேஷன் மூலம் இந்த 'அபயன்ஸில்' இருப்பதை மறுபடியும் திருப்பிக் கொண்டு வரலாமா என்றால் அதை சட்டத்தில் கொண்டு வரும்போது இருக்கக்கூடிய சட்டத்தை சம்பந்தப்பட்டதை, ஒரு காலவரையறை வரை அமுல் நடத்த வேண்டாம், அது எந்தக் காலம் வரை என்பதை நோட்டிபிக்கேஷன் மூலம் நிர்ணயிக்கலாம் என்று சொல்லும்போது அதில் தவறு இருப்பதாகத் தெரியவில்லை. பஞ்சாயத்து பிரசிடென்ஸ்தான் பஞ்சாயத்து யூனியனில் மெம்பராக இருப்பதின் சங்கடம்பற்றிச் சொன்னார்கள். முதலில் அது தாற்காலிகமாக இருக்கக்கூடியதே. இம்மாதிரிக் கஷ்டங்கள் வராமல் பார்த்துக் கொள்ள கட்சிப் பிரதி கட்சிகள் அதிகமாக இல்லாமல் ஒற்றுமையாக நடத்துவதற்குள்ள சூழ்நிலையை ஏற்படுத்த வேண்டும். அப்படி ஏற்படுத்தினால் இதுபோன்ற சட்டங்களை சிக்கல் இன்றி நடத்தமுடியும். அதற்கு நாம் உழைக்க வேண்டும். ஆகவே இந்த மசோதாவை ஏற்றுக் கொள்ளுமாறு வேண்டிக்கொள்கிறேன்.

DEPUTY SPEAKER : The question is—

"That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961) be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 7 were put and carried.

Schedules I and II were put and carried.

Clause and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

"That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961) be passed."

DEPUTY SPEAKER : The question is—

"That the Madras Panchayat (Extension to Transferred Territory) and Panchayat Union Council (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961) be pased."

The motion was put and carried and the Bill was passed.